



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

# 33  
LDS  
12-24-03

Appellant(s):	Alexander Tuzhilin et al.	)	
		)	
Serial No.:	09/013,490	)	On Appeal to the Board of
		)	<u>Appeals and Interferences</u>
		)	
Filed:	January 26, 1998	)	Group No. : 2155
		)	
For:	METHOD AND APPARATUS FOR	)	Examiner: P. Winder
	MONITOR AND NOTIFICATION IN A	)	
	NETWORK	)	

RESPONSE TO OFFICE COMMUNICATION DATED DECEMBER 3, 2003

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

This paper is filed in response to the Office Communication dated December 3, 2003.

We are resubmitting herewith, in triplicate, the Reply Brief on Appeal under 37 C.F.R.

§1.192(a).

Applicants respectfully request that the Reply Brief be entered and made of record.

Respectfully submitted,

Gary Abelev  
Patent Office Reg. No. 40,479  
BAKER BOTTS L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112

Attorney for Applicants  
(212) 408-2500

Encl.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/013,490	01/26/1998	ALEXANDER S. TUZHILIN	2011/13	3399

7590 12/03/2003  
BAKER BOTTS L.L.P.  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112



EXAMINER

WINDER, PATRICE L

ART UNIT PAPER NUMBER

2155

DATE MAILED: 12/03/2003

32

Please find below and/or attached an Office communication concerning this application or proceeding.

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For 1/13/2004 by *ML*  
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*ML*

Art Unit: 2155

1. The reply brief filed on September 15, 2003 is defective because the three copies of the brief required under 37 CFR 1.192(a) have not been submitted.

To avoid dismissal of the appeal, appellant must submit the necessary additional copies of the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or, (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is (703) 305-3938. The examiner can normally be reached on Monday-Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam, can be reached on (703) 308-6662. The fax phone number(s) for this Group is official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**PATRICE WINDER**  
**PRIMARY EXAMINER**

# BAKER BOTTS LLP



Please type a plus sign (+) inside this box → ☐

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/013,490
Filing Date	01/26/1998
First Named Inventor	Alexander TUZHILIN et al.
Group Art Unit	2155
Examiner Name	P. Winder
Attorney Docket Number	A33063 067691.0115

Total Number of Pages in This Submission

### ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Group
- ☒ Appeal Communication to Board of Appeals and Interferences
- ☒ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

Copy of Office Communication dated 12/3/2003, Response to Office communication dated 12/3/2003, 3 Copies of Reply Brief on Appeal, Return receipt by postcard

Remarks

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name  
Baker Botts LLP  
30 Rockefeller Plaza  
New York, NY 10112

Signature

Att Name: Gary Abelev  
PTO Reg: 40,479

Date

12/12/03

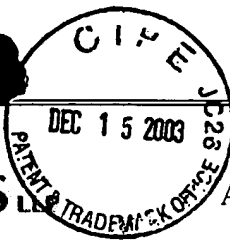
### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 12/12/03

Typed or printed name  
Gary Abelev

Signature

Date: 12/12/03



**BAKER BOTTS**

Attorney Docket Number:

A33063 067691.0115

Title: METHOD AND APPARATUS FOR MONITOR AND NOTIFICATION IN A NETWORK

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